

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Joseph W. Boone**

**Docket No. 5:15-MJ-1258-1**

**Petition for Action on Probation**

COMES NOW Debbie W. Starling, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph W. Boone, who, upon an earlier plea of guilty to Driving While Impaired (Level 2), in violation of N.C.G.S. 20-138.1 was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge on May 6, 2015, to a 12-month term of probation under the conditions adopted by the court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On August 27, 2015, the defendant submitted a urine specimen which proved positive for cocaine. He reported to the probation office on September 2, 2015, and submitted a urine specimen. On September 3, 2015, he returned to the probation office and admitted that he used cocaine on August 25, 2015 and August 30, 2015. He admits that he relapsed due to the deaths of two close friends within a two-week period. He has expressed remorse for his actions. The defendant has been participating in both substance abuse and mental health treatment. He also sees a psychiatrist for medication monitoring. He is tested through the Surprise Urinalysis Program, and all drug screens were negative until August 27, 2015. As a punitive sanction for his drug use, it is respectfully recommended that his conditions of supervision be modified to include 60 days of home detention. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Debbie W. Starling

Debbie W. Starling

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301-5730

Phone: 910-354-2536

Executed On: September 4, 2015

**Joseph W. Boone**  
**Docket No. 5:15-MJ-1258-1**  
**Petition For Action**  
**Page 2**

**ORDER OF THE COURT**

Considered and ordered this 4th day of September, 2015 and ordered filed and made a part of the records in the above case.

Kimberly A. Swank  
Kimberly A. Swank  
U.S. Magistrate Judge

**Joseph W. Boone**  
**Docket No. 5:15-MJ-1258-1**  
**Petition For Action**  
**Page 3**

**FOR JUDGE'S VIEW ONLY**

**DO NOT FILE**



**Joseph W. Boone**  
**Docket No. 5:15-MJ-1258-1**